

**Child Development  
Division**

**MANAGEMENT  
ADVISORY**

Main Office Number (916) 322-6233

<b>Subject:</b>	REDUCED DAYS OF OPERATION OR ATTENDANCE DUE TO EMERGENCY CONDITIONS	<b>No.</b>	94-02 (rc)
<b>Authority:</b>	Education Code, Section 8271	<b>Date:</b>	Feb. 1994
		<b>Expires:</b>	Until Rescinded

**ATTENTION: EXECUTIVE OFFICERS/SUPERINTENDENTS  
AND PROGRAM DIRECTORS OF ALL CHILD  
DEVELOPMENT PROGRAMS**

The purpose of this Advisory, which supersedes Management Advisory 92-03 (rc), is to remind agencies that Education Code Section 8271 provides against loss of funds for days of operation or child days of attendance for conditions such as the recent earthquake in Southern California. It states:

*In the event that operating agencies are unable to operate due to incomplete renovations authorized by administering state agencies, or due to circumstances beyond the control of the operating agency, including earthquakes, floods, or fire, such programs shall not be penalized for incurred program expenses nor in subsequent annual budget allocations.*

Circumstances beyond the control of operating agencies include, but are not necessarily limited to:

1. Earthquakes;
2. Floods;
3. Fires;
4. Epidemics;
5. Impassable roads;
6. The imminence of a major health or safety hazard, as determined by the local health department or law enforcement agency;
7. A strike involving transportation services to children provided by a non-agency entity;
8. Incomplete facility renovations authorized by the Department of Education pursuant to Education Code Sections 8277.1 and 8277.2.

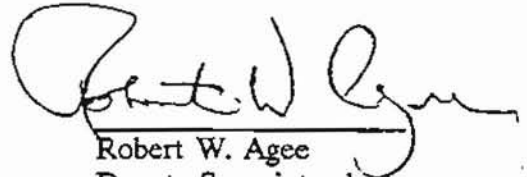
Whenever an agency's days of operation or daily/hourly attendance is reduced for any of the above reasons, that fact should be communicated to the Child Development Division (CDD) in the form of a resolution adopted by the agency's governing board (or other entity for agencies not having a governing board). The board resolution must clearly and fully describe the nature of the emergency condition as well as its specific effect on program operation. In addition it should include the dates on which program operation was necessarily suspended or substantially reduced because of the emergency condition. The resolution also should include the daily attendance for

both certified and non-certified children for the week prior to the date operation was suspended or reduced. Upon receiving the resolution, CDD will process the information to credit your agency with days of operation or days/hours of attendance. Appropriations in subsequent fiscal years will not be affected by the above unless it is jointly agreed upon by both the agency and the Department of Education.

If you have any questions, please contact your assigned consultant in the Child Development Division.



Robert A. Cervantes, Ph.D.  
Assistant Superintendent  
Child Development Division



Robert W. Agee  
Deputy Superintendent  
Field Services Branch

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#### NOTICE

THE GUIDANCE IN THIS MANAGEMENT ADVISORY IS NOT BINDING ON LOCAL EDUCATIONAL AGENCIES OR OTHER ENTITIES. EXCEPT FOR THE STATUTES, REGULATIONS, AND COURT DECISIONS THAT ARE REFERENCED THEREIN, THIS MANAGEMENT ADVISORY IS EXEMPLARY, AND COMPLIANCE WITH IT IS NOT MANDATORY. (See Education Code Section 33308.5)